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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,185	12/07/2001	Jeffrey D. Marsh	MARJ 8158US	6988
1688	7590	01/05/2004		
POLSTER, LIEDER, WOODRUFF & LUCCHESI 763 SOUTH NEW BALLAS ROAD ST. LOUIS, MO 63141-8750				

EXAMINER	
HENDERSON, MARK T	
ART UNIT	PAPER NUMBER
3722	

DATE MAILED: 01/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/017,185

Applicant(s)

MARSH, JEFFREY D.

Examiner

Mark T Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-38 is/are allowed.
- 6) ☒ Claim(s) 12-17 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 18-24 and 28-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4. 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

### ***Election/Restriction***

1. Applicant's election without traverse of Group II, Claims 12-38 in Paper No. 6 is acknowledged

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***Priority***

2. In the chain of priority asserted by applicant, Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. Applicant has asserted that the present application is a Continuation-in-Part (CIP) of 09/793,671, filed February 26, 2001, now U.S. Patent No. 6,443,682. Secondly, Applicant has asserted that the present application is also Continuation of 09/301,918 filed April 29, 1999, now U.S. Patent No. 6,193,458. Since both patents ('682 and '458) do not teach all aspects of the invention as set forth in the claims of this application, specifically, the method of "laminating a suitable plastic film to the outer surface of said cover so as to constitute said outer lamination; laminating a suitable plastic film to the inner face of said cover so as to constitute said inner lamination; conditioning a central portion of the inner face of said double laminated cover such that said adhesive will effectively bind said spine to said lamination", claims 12-17 and 25-27 of this application are not entitled to receive benefit of the filing date of both patents ('682 and '458) in accordance with 35 U.S.C. 120.

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*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (6,142,721) in view of Melcher (2001/0041114) and further in view of Weers (6,666,641).

Marsh discloses in Claim 21 and 22, a method of making a book comprising forming a book block; printing the pages of the book; applying an adhesive to be disposed between book block and cover; bring together the central portion of the cover and the spine of the book block into engagement; and clamping (or compressing) the cover to the book block so that the adhesive adheres the cover to the spine.

However, Marsh does not disclose the method of laminating the inner and outer face of a cover to form a double laminated cover; conditioning the laminated cover by roughening in which a multiplicity of cuts are formed on the inner lamination of book cover.

Melcher discloses a cover made of synthetic paper (does not have to made fully of synthetic paper), wherein the cover is conditioned by roughening in which a multiplicity of cuts (wells) are formed on the inner face of the book cover.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Marsh's method of bookmaking with a cover having synthetic material and conditioned by roughening the inner face with cuts as taught by Melcher for the purpose of facilitating the placement and retention of adhesive required for binding.

However, Marsh as modified by Melcher does not disclose a cover having a laminated inner and outer face.

Weers discloses a book cover (11) made of synthetic material wherein both faces of the book cover are laminated with plastic material.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Marsh's and Melcher's method of bookmaking by laminating the cover with synthetic plastic material as taught by Weers for the purpose of improving the durability of the book cover.

***Allowable Subject Matter***

4. Claims 18-24 and 28-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Claims 34-38 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses and apparatus for printing a perfect bound book comprising: a text printer; a cover printer; a lamination station for laminating a plastic film to both the faces of the cover to form a double laminated cover; a cover conveyor for conveying the cover from the cover printer to the lamination station; a carriage receiving the book block after the text pages have been printed by the text printer, wherein an adhesive application is applied to the spine of the book block; the cover conveyor transporting the double laminated cover from the lamination station to a cover conditioning station, wherein the conditioning station conditions a portion of the inner cover to facilitate adhesive binding of the book block to the cover; and wherein the cover conveyor transports the double laminated cover to binding stations; wherein the binding stations have a clamp engageable with the outer face of the laminated cover to forcibly clamp the cover to the book block; and including all of the other limitations of the independent claim.

#### ***Prior Art References***

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Marsh ('238), Clark, Marsh ('682), Marsh ('458),

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Graushar et al, Hawkes, Roberts, Roberts ('056), Nelson, Cobene et al, Marsh ('428), Podeseck, Marsh (WO-99/38707) disclose similar methods of making a book.

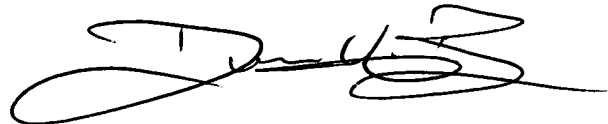
### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

December 29, 2003



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